

07/880244

## DECLARATION FOR PATENT APPLICATION

As a below named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled

HIGH FIDELITY INSERT EARPHONES AND METHOD OF MAKING SAME

the specification of which:

\* is attached hereto

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Number	Country	Day/Month/Year/Filed	Is Priority Claimed?
--------	---------	----------------------	----------------------

NONE

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Serial No.	Filing Date	Patented, Pending, or Abandoned?
------------	-------------	----------------------------------

NONE

We hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

George P. McAndrews	Reg. No. 22,760
John J. Held, Jr.	Reg. No. 21,061
Timothy J. Malloy	Reg. No. 25,600
William M. Wesley	Reg. No. 26,521
Lawrence M. Jarvis	Reg. No. 27,341
Robert C. Ryan	Reg. No. 29,343
Gregory J. Vogler	Reg. No. 31,313
Donald J. Pochopien	Reg. No. 32,167
Herbert D. Hart III	Reg. No. 30,063
Robert W. Fieseler	Reg. No. 31,826
Jean Dudek Kuelper	Reg. No. 30,171
Donald P. Reynolds	Reg. No. 26,220
Steven J. Hampton	Reg. No. 33,707
Alejandro Menchaca	Reg. No. 34,389
Priscilla F. Gallagher	Reg. No. 32,223
George Wheeler	Reg. No. 28,766
Robert B. Polit	Reg. No. 33,993--

Address all telephone calls to William M. Wesley at telephone number:


(312) 707-8889.

Address all correspondence to:

McAndrews, Held & Malloy, Ltd.  
~~34th Floor~~  
500 W. Madison Street  
Chicago, Illinois 60661

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(given name, family name): Steven J. Isenberg  
Residence: Schaumburg, IL 60173  
Citizenship: USA  
Post Office Address: 1926 Prairie Square #318

First inventor's signature: 

Date Signed: May 7, 1992

(given name, family name): <sup>7-0</sup>Donald L. Wilson  
Residence: Barrington, IL 60010  
Citizenship: USA  
Post Office Address: 1663 Castaway Court

Second inventor's signature: 

Date Signed: May 7, 1992

A S S I G N M E N T

WHEREAS, we, Steven J. Iseberg and Donald L. Wilson, residents, respectively, of 1926 Prairie Square, in the County of Cook, and State of Illinois, and of 1663 Castaway Court, in the County of Cook, and State of Illinois, have invented certain new and useful improvements in

HIGH FIDELITY INSERT EARPHONES AND METHODS OF MAKING SAME

as described or intended to be described and set forth in the application executed by us of even date herewith, preparatory to obtaining Letters Patent of the United States therefor; and

WHEREAS, Etymotic Research, Inc., a corporation organized and existing under and by virtue of the laws of the State of Illinois, and having a place of business at Elk Grove Village, Illinois, is desirous of acquiring the entire right, title, and interest in and to said invention, improvements, application and any Letters Patent which may be granted therefor or thereupon, together with any and all divisions, continuations, reissues and extensions thereof:

NOW, THEREFORE, to all whom it may concern, be it known that, for and in consideration of One Dollar (\$1.00) to us in hand paid, and other good and valuable considerations, the receipt of which is hereby acknowledged, we, the said Steven J. Iseberg and Donald L. Wilson, have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto the said Etymotic Research, Inc., its successors and assigns, the entire right, title and interest in and to said invention, improvements, application executed of even date herewith, and any Letters Patent which may be granted therefor or thereupon, together with any and all divisions, continuations, reissues and extensions thereof, all our foreign rights to said invention, and all our rights under the International Convention in respect to said invention and application, and authorize the said Etymotic Research, Inc. to apply for patents in foreign countries, claiming the filing date of the U.S. application under the provisions of the International Convention. And we hereby agree to communicate to the said Etymotic Research, Inc., or its representatives any facts known to us respecting said invention and improvements, to testify in any legal proceeding relating thereto, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and in addition to execute any and all documents that may be required in order that the said Etymotic Research, Inc., may make application for Letters Patent on said invention in foreign countries in its own name. And we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any Letters Patent which may be granted for or upon said invention or

applications unto the said Etymotic Research, Inc., its successors and assigns, in accordance with this assignment.

Signed at BLK OFFICE TO ETCY RESEARCH, INC., in the County of Cook and State of Illinois, this 7 day of May, 1990-1992

[Signature]  
(name of assignor)

STATE OF Illinois )  
COUNTY OF Cook ) SS.

I, THERESE CIHLAR, a Notary Public in and for the County and State aforesaid, do hereby certify that STEVE ISEBERG personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 7 day of May, 1990-1992

[Signature]  
Notary Public



My commission expires 02-29-96

Signed at [Signature], in the County of Cook and State of Illinois, this 7 day of May, 1990-1992

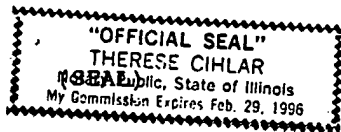
[Signature]  
(name of assignor)

STATE OF Illinois )  
COUNTY OF Cook ) SS.

I, THERESE CIHLAR OF, a Notary Public in and for the County and State aforesaid, do hereby certify that DONALD L. WILSON personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 7 day of May, 1990-1992

[Signature]  
Notary Public



My commission expires 02-29-96